

REMARKS

The Examiner is thanked for the Office Action of November 10, 2005. In that Office Action, the Examiner rejected claims 1-3 as anticipated under 102(b) by Yeakley (3,872,423) and claims 4-5 were rejected under 102(b) as anticipated by Helmcke (3,790,780). In this amendment, claim 2 was cancelled and claims 6-14 were added. Claims 6-8 were added as dependent upon claim 4, claims 9-13 were added and are dependent upon claim 1, and independent claim 14 was added, and claims 1 and 3-14 remain pending in the application, claims 1, 4 and 5 have been amended and are believed to overcome the 102(b) rejections recited in the Office Action

102(b) Rejection: claims 1-3

The Examiner's rejection of claims 1-3 as anticipated by Yeakley is not appropriate under 35 USC §102(b) as Yeakley does not in any way teach the specific limitation "wherein said non-negative acceleration control system is not capable of causing negative acceleration." However, the added limitations in claim 1 now include:

"wherein said external transmitted emits a positive acceleration limitation signals when the speed of a vehicle reaches zero,"

and

"wherein said vehicle cannot accelerate beyond a threshold velocity, when a positive acceleration limitation signal is transmitted."

The prior art cited by the Examiner, Yeakley at col. 10-11, lines 55-60, does not teach that a system **which is not capable of causing non-negative acceleration**. In fact, Yeakley teaches away from the presently claimed invention in that the system is activated when a vehicle should **slow down**. The Yeakley and Helmcke teachings are analogous to the Henson reference (US Pat. 5,134,393) cited in parent application US Application Serial No. 10/786,177 (and submitted in an IDS with the present application). Henson clearly shows in the 5,134,393 specification, *inter alia*, at col. 8, lines 6-10 ("which increase **or decrease** the speed by setting..."), col. 8, lines 45-51

("indicating to the driver that he should **slow down**"), col. 9, lines 34-51 ("which circulate within the target to provide speed up or **slow down** signals to the drivers...").

102(b) rejection claims 4-5

Because Henson does not anticipate the presently claimed invention and teaches away from the claims, claims 1 and 3-14 are not obvious in view of the cited references.

The Examiner cites reference Yeakley and Helmcke, it is also noted that, as submitted in an IDS with this office action, for a related application, US Patent Application Serial No. 10/786,177, that Henson (US Pat. 5,134,393) brings up similar prior art issues to Yeakley and Helmcke. However, the presently claimed invention clearly teaches away from Helmcke, as Helmcke states that (col. 3, lines 51-54) "it is impossible for one [car] to collide with one another." In the presently claimed invention it is not impossible for one car to collide with another, and collision avoidance, while desirable, is not the stated intention of the claimed invention. Collision avoidance may be the object of a related invention in a co-pending application, but it is not the stated purpose the presently claimed invention.

The teachings of the presently claimed invention counter-intuitive to the Examiner's experience in the particular class and subclasses of the presently claimed invention, but the advance is the implementation and simplification of the art taught prior. Mainly, that by eliminating the ability of a system to slow a vehicle down, the system becomes commercially viable. In summary:

- a.) The presently claimed invention will never be able to slow a vehicle down (negative acceleration). It will however, be able to keep a vehicle at the same velocity as the vehicle attempts to positively accelerate.
- b.) The presently claimed invention is only activated by one or more vehicles reaching a low threshold speed.
- c.) The "purpose" of the invention is not to help vehicles avoid collisions, but rather to dissipate traffic gridlock with realistically implementable technology,

through the elimination of bunching habits, over over-acceleration, after the occurrence of a traffic event.

These concepts are graphically represented in FIG. 17, which demonstrates that:

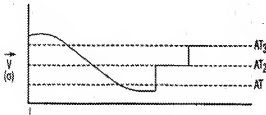


FIG. 17

the vehicle gridlock dissipation system cannot be activated if a detected threshold speed is not reached. Therefore vehicles traveling at or near highway speed, the claimed invention is not applicable or taught by the cited art.

Further, we submit that the specification supports the concept that an exclusively positive acceleration control system is not anticipated by a traffic control system that can both cause a vehicle to slow down and keep it from speeding up, as the (negative) limitation "wherein said non-negative acceleration control system is not capable of causing negative acceleration in said vehicle" is

The Applicant asserts that prior art does not teach or suggest has not considered the innovations included in the non-negative acceleration feature of the present invention, which provides for an improvement which considers the highly important factors of simplified manufacturing process, safety and marketplace practicality (such as the hypothesis that drivers would generally not tolerate their cars slowing down but may not notice if they cannot positively accelerate at a normal rate in gridlock traffic conditions). The non-negative acceleration feature of the present claims allows the traffic flow systems to be implemented without the need for a fail safe mechanism which does not ever, under any circumstances, to slow the vehicle down or to indicate to the driver to slow down. Non-negative acceleration governors are only limited to a vehicle's "speeding up" (and in the case where acceleration is zero, to the vehicle's unchanging

velocity). These features are designed for implementation in specific zones in which traffic dissipation or spacing causes significant local or regional traffic problems, and thus, may be implemented in a much more "targeted" and less expensive manner than that taught by the cited art.

CONCLUSION

The Examiner is thanked for the Office Action of November 10, 2005. The Applicant respectfully submits that the rejection is no longer relevant due to the amendments and remarks above, and that the pending claims are in condition for allowance over the cited art, and a Notice of Allowance is earnestly solicited. If the Examiner believes that a telephonic or in-person conference would help resolve any remaining issues and expedite the prosecution of the Application, he is invited to contact the Applicant's representatives at the contacts listed below.

Respectfully submitted,
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/s/

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